

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

CITY OF MURFREESBORO, TENNESSEE)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:22-cv-00605
)	JUDGE RICHARDSON
BFI WASTE SYSTEMS OF TENNESSEE,)	MAGISTRATE JUDGE NEWBERN
LLC, REPUBLIC SERVICES OF)	
TENNESSEE, LLC, and REPUBLIC)	
SERVICES, INC.,)	
)	
Defendants.)	

JOINT STATUS REPORT AND JOINT MOTION FOR EXTENSION OF STAY

COME NOW, Plaintiff City of Murfreesboro, Tennessee (“Plaintiff”) and Defendants BFI Waste Systems of Tennessee, LLC, Republic Services of Tennessee, LLC and Republic Services, Inc. (collectively “Defendants”), by and through their attorneys of record, and file this joint status report and joint motion for extension of the stay of the litigation.

1. On January 10, 2025, the Court ordered the parties, by February 10, 2025, to file either (i) a joint proposed case management order addressing all remaining deadlines if the parties were unable to settle, or (ii) a statement addressing a timeline for approval of settlement and dismissal of the case if the parties reached a resolution.

2. On February 11, 2025, the Court granted an extension of the deadline to file a proposed case management order or statement addressing settlement to March 10, 2025.

3. In the Joint Status Report and Joint Motion for Extension filed by the parties on February 10, 2025, the parties indicated that there was one remaining issues about which they had not reached agreement in principle. Since then, the parties have reached agreement in principle regarding that item, but doing so took more time than expected.

4. Moreover, the odor and gas maintenance plan that will be an exhibit to the settlement agreement is undergoing a final review by the technical experts for both parties and will need to be approved by the parties before the settlement agreement can be finalized.

5. The City wishes to ensure that the public has ample notice of the settlement agreement and the gas and odor plan before the City Council considers and votes on whether to approve them. Accordingly, Plaintiff expects the City Council will consider and vote on the settlement agreement and the gas and odor plan during its meeting on March 27, 2025.

6. To accommodate this timeline, the parties seek for the Court to extend the deadline to file a proposed case management order or notice of settlement to March 31, 2025.

7. Upon execution of the settlement, Plaintiff will submit the settlement agreement to the U.S. Department of Justice and the U.S. Environmental Protection Agency (together, the “Agencies”) for agency review consistent with 40 C.F.R. § 135.5 (the “Agency Review Period”).

8. The Agency Review Period expires 45 days after receipt by both Agencies.

9. Within three days of receiving a no-objection letter from the Agencies, or three days after expiration of the Agency Review Period with no objections, Plaintiff and Defendants will jointly file a stipulation for dismissal of the case.

10. If the Agencies object to the settlement, Plaintiff and Defendants will attempt to resolve the issue(s) raised by the Agencies or will request the Court to approve, notwithstanding any objections, if necessary.

For the foregoing reasons, the parties respectfully request the Court to extend to March 31, 2025 the stay of the case and the deadline by which they must file either a joint proposed case management order or a notice of settlement setting forth the specific timeline pursuant to which they will accomplish the agency review requirements before dismissing this case.

March 10, 2025

/s/ Gary A. Davis

Gary A. Davis (TN BPR #009766)
Keith A. Johnston (TN BPR #024134)
DAVIS ATTORNEYS, P.C.
21 Battery Park Ave., Suite 206
Asheville, NC 28801
Phone: (828) 622-0044
Fax: (828) 398-0435
gadavis@enviroattorney.com
elizmurphy966@msn.com
kjohnston@enviroattorney.com

Adam F. Tucker (TN BPR #28489)
CITY OF MURFREESBORO LEGAL
DEPARTMENT
111 W. Vine St.,
Murfreesboro, TN 37130
Phone: (615) 849-2616
Fax: (615) 849-2662
atucker@murfeesborotn.gov

Lisa K. Helton (TN BPR #23684)
Mark Alexander Carver (TN BPR #36754)
Hunter C. Branstetter (TN BPR #32004)
SHERRARD ROE VOIGT & HARBISON, PLC
150 3rd Avenue South, Suite 1100
Nashville, TN 37201
Phone: (615) 742-4200
Fax: (615) 742-4539
lhelton@srvhlaw.com
acarver@srvhlaw.com
hbranstetter@srvhlaw.com
ATTORNEYS FOR PLAINTIFFS

Respectfully submitted,

/s/ Allyson E. Cunningham

William G. Beck (*pro hac vice*)
Allyson E. Cunningham (*pro hac vice*)
LATHROP GPM LLP
2345 Grand Boulevard, Suite 2200
Kansas City, Missouri 64108
Phone: (816) 292-2000
Fax: (816) 292-2001
william.beck@lathropgpm.com
allyson.cunningham@lathropgpm.com

Matthew Walker (*pro hac vice*)
Arielle McPherson (*pro hac vice*)
LATHROP GPM LLP
155 N Wacker Dr., Suite 3000
Chicago, IL 60606
Phone: (312) 920-3300
Fax: (312) 920-3301
matthew.walker@lathropgpm.com
arielle.mcpherson@lathropgpm.com

Kayla Brewe (*pro hac vice*)
LATHROP GPM LLP
190 Carondelet Plaza, Suite 1400
Clayton, MO 63105
Phone: (314) 613-2800
Fax: (314) 613-2801
kayla.brewe@lathropgpm.com

Blaine K. Bengtson (*pro hac vice*)
LATHROP GPM LLP
675 15th Street, Suite 2650
Denver, CO 80202
Phone: (720) 931-3200
Fax: (720) 931-3201
blaine.bengtson@lathropgpm.com

Wells Trompeter (TN BPR # 030380)
Edward M. Callaway (TN BPR # 016016)
Karolyn G. Perry (TN BPR # 036900)
HOLLAND & KNIGHT LLP
511 Union Street, Suite 2700
Nashville, TN 37219
Phone: (615) 244-6380
Fax: (615) 244-6804
Wells.Trompeter@hklaw.com
Ed.Callaway@hklaw.com
Karolyn.Perry@hklaw.com
ATTORNEYS FOR DEFENDANTS